

VZCZCXYZ0000
OO RUEHWEB

DE RUEHTC #0179/01 0721432
ZNY SSSSS ZZH
O 131432Z MAR 09
FM AMEMBASSY THE HAGUE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2660
INFO RUEAIIA/CIA WASHDC PRIORITY
RUCPDOG/DEPT OF COMMERCE WASHDC PRIORITY
RHEBAAA/DEPT OF ENERGY WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RHMFISS/DTRA ALEX WASHINGTON DC//OSAC PRIORITY

S E C R E T THE HAGUE 000179

SIPDIS

STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
SECDEF FOR OSD/GSA/CN,CP>
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (ROBERTS AND DENYER)
NSC FOR FLY
WINPAC FOR WALTER

E.O. 12958: DECL: 03/13/2019

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CWC: WRAP-UP FOR OPCW EXECUTIVE COUNCIL SESSION,
FEBRUARY 17-20, 2009 (EC-55)

REF: A. STATE 14143

- [1](#)B. THE HAGUE 88
- [1](#)C. THE HAGUE 93
- [1](#)D. THE HAGUE 128
- [1](#)E. THE HAGUE 129
- [1](#)F. THE HAGUE 141
- [1](#)G. THE HAGUE 143
- [1](#)H. THE HAGUE 144

Classified By: Janet E. Beik for reasons 1.4 (B) and (D)

This is CWC-15-09.

SUMMARY

[1](#)1. (SBU) The 55th Session of the Executive Council (EC-55) went more smoothly than expected (Ref B), with the Iranian delegation a much lower profile. Led by the Head of Iran's National Authority, the Iranians deferred a substantial number of agenda items during the week but allowed most to progress by the conclusion of the Council. They requested the same report language urging early commencement of new destruction facilities as hammered out in EC-54, but agreed to note all of the 90-day destruction progress reports. The U.S. and Dutch delegations met several times with the Iranian delegation to discuss changes in the Iranian Schedule 1 Facility Agreement/Arrangement, but without satisfactory answers. The Iranians requested deferral of the U.S. Facility Agreement to the next EC when it became clear that the U.S. would be deferring theirs; both documents were deferred to EC-56.

[1](#)2. (SBU) The most controversial issue, attracting the greatest number of speakers in the plenary, as well as consuming the most time in the corridors of the Council, was the introduction of the search for a new Director-General (DG). In the end, the Chairperson convened an informal meeting of about twenty Council members who agreed to postpone the summer session of the Executive Council (EC-57) by two weeks to mid-July to allow a later deadline for the nomination of DG

candidates. Despite the unprecedented change of date for its scheduled session, the full Council promptly approved this compromise on Friday afternoon.

13. (SBU) Two other issues involving personnel, the approval of seven new members of the Advisory Body for Administrative and Financial Affairs (ABAF), and the election of a new EC chairman and vice chairs, required informal meetings before agreement on the ABAF members, and a reluctant EC decision to allow Iran to continue in its role as vice chair without a resident representative. Mexican Ambassador Jorge Lomonaco was elected EC Chairman by acclamation, and the Russian, Dutch and Sudanese Representatives were elected as vice chairs for the Eastern European, Western European and Others (WEOG), and African groups respectively. A positive development for this Council was the notable activism of the Latin American and Caribbean regional group (GRULAC). Not only did GRULAC rally around Lomonaco as the new EC Chairman, they presented a joint statement on the DG search process (their first joint statement in many years) supporting the Chairperson's plan, and the Costa Rican Ambassador led informal discussion on ABAF reform.

14. (SBU) Key EC issues are detailed below, followed by a synopsis of the Director-General's opening statement and the general debate, and agenda items approved, noted and deferred to the next session. The informal meeting on the status of Qto the next session. The informal meeting on the status of destruction as well as meetings on the margins of the EC have been reported separately (Refs D-H).

Selection of the next Director-General

15. (SBU) Ambassador Oksana Tomova, Chairperson of the EC, has consulted with key delegations for weeks on how to launch the process for choosing a new Director-General, in fulfillment of the Council's requirement to make a recommendation to the 14th annual Conference of the States Parties (CSP) at the end of the year. On Friday, February 13, before the beginning of the EC, Tomova told Delreps that DG Pfirter had recommended delaying the announcement of the search until the April EC session, with a deadline for nominations at the end of August. Delreps urged Tomova to begin the process sooner to allow potential candidates to address the EC at its summer session before a decision needed to be made in October. It was clear that Tomova had been heavily lobbied by a variety of delegations as well as the Secretariat, and she wanted more assurance that she had the support of the Council in taking action. At a lunch with close allies hosted by the British Ambassador on February 16, the DG search was a central topic of discussion, with the group agreeing to support Tomova strongly on an early nomination date and a simple, transparent process.

16. (SBU) Since the DG appointment was the last item on the formal agenda, the Council did not address it in plenary until the last day of the session, February 20. However, the topic dominated discussions in the corridors and all other gatherings of delegates throughout the week, and Tomova began early circulation of draft report language that would allow her to write a letter calling for nominations before the beginning of June, and candidates to address the Council at its 57th session (June 30 - July 3).

17. (SBU) The Western European and Others Group (WEOG)

discussed the issue on February 18, with broad support for the Chair's plan. WEOG also agreed to meet in the WEOG-plus like-minded states format the next day, including the Chairperson as Representative of Slovakia. At the larger meeting February

19, Tomova described her series of consultations and shared the latest version of her draft report language. She also read the draft language from the Secretariat that included having the Council decide to consider the matter further at its next session. Tomova said that Iran had expressed no view

on the deadline but said they would get back to her; the Cuban

Ambassador was "initially positive" but had not yet held a NAM

discussion on the matter. WEOG delegations expressed strong support for Tomova's plan and the draft language setting a deadline for nominations 30 days before the summer session of the EC. The group generally opposed language that would imply

a need for the Council to take a decision on the matter, or to

form an open ended working group. The South Korean delegate asked what would happen if one or two countries insisted on a later deadline. That turned out to be a prescient question, for which WEOG-plus delegates had no tactical answer. U.S. Qfor which WEOG-plus delegates had no tactical answer. U.S. Delrep urged WEOG colleagues to speak individually in large numbers in debate and to request the reasons behind any alternative timeline.

18. (SBU) At the afternoon session of the EC on February 19, Chairperson Tomova deferred the DG discussion until the next morning. She had been sidetracked on her way to the meeting

by a few members of the NAM with a competing draft text. She agreed to meet with the NAM to consult further before beginning the debate in the EC plenary. What she did not know

at that time was that the NAM had not reached agreement and the competing text represented the views of a small number of delegations that wanted to postpone the deadline for nominations until fall.

19. (U) On the final day of the Council, February 20, the morning meeting was delayed while the NAM continued its deliberations. When Tomova formally opened the meeting at 11:00, she presented her proposed text that invited States Parties to present nominations of candidates no later than 30 days before the 57th session of the Council (June 30 - July 3). The Costa Rican Ambassador, as Vice Chair for the Latin American and Caribbean group (GRULAC), presented the joint GRULAC statement urging the process of selection to start as soon as possible with all countries being invited to present candidates. A lengthy round of statements followed, with more

countries speaking than at any time in recent Council memory - some 32 statements from EC members states and observers. The vast majority supported the Chairperson's plan, including individual GRULAC states following their joint statement, as well as WEOG and EU countries, Russia, Japan, and normally silent Macedonia. The U.S. Representative noted that the decision on a new Director-General would have lasting impact and would likely be the most important decision of the Council

this year. The British Ambassador outlined the timeframe and the need for adequate time to consider candidates after their nomination and before the CSP in late November.

10. (U) Only four delegations -- Nigeria, South Africa, Sudan and Iran -- voiced preference for a later deadline for nominations, and the Cuban Ambassador (a member of GRULAC who had signed on to the joint statement) asked for more time for the NAM to consider the matter. The Indian and Chinese delegates called for consensus, without expressing national views on the timeline. The Iranian delegate argued for an open-ended deadline until the CSP itself and for EC

consultations on "modalities" for the selection process. The Chairperson thanked delegations for their strong interest in such an important issue and the widespread support for her work; she emphasized the importance of consensus in reaching agreement on the report language.

¶11. (SBU) At the end of the morning's plenary, the NAM called an immediate meeting, and Tomova organized informal consultations on the draft text on the DG issue for 14:00 with

a select group of states. Her informal meeting expanded to about 20 countries, half the Council. Several delegations asked questions about how Tomova intended to inform States Parties of the nomination process, whether curricula vitae were necessary as part of the nomination, and how she envisioned the interaction of the candidates with the Council.

The South African delegate outlined the concern of some, but not all, African states about the June deadline, given that Qnot all, African states about the June deadline, given that the African Union would be holding its annual summit meeting at the same time as EC-57; the AU would normally endorse a single candidate for a position such as the DG. The Nigerian delegate noted that other international organizations held special meetings to meet candidates and asked why OPCW could not do the same.

¶12. (SBU) Mexican Ambassador Jorge Lomonaco, elected the day before as the new Chairman of the EC beginning in May (see below), told the informal meeting that consensus on a candidate would require a lot of time, and that more time would be needed after the nominations than before. He asked whether delegations were prepared to make a commitment to decide on the matter in October at the EC. Other Ambassadors also urged allowing sufficient time for the EC to do its job properly and reach consensus on one candidate to recommend to the CSP. The Iranian Representative expressed the general

commitment of the EC to carry out its role, but argued for a longer time for candidates to emerge, particularly if the early candidates were not highly qualified. He made a pitch for keeping the door open to additional candidates, who would realize that the early nominees would have already started campaigning and the later ones would have to catch up.

Tomova

asked the Cuban delegate whether the NAM had reached agreement

at its meeting; they had not. The French delegate argued against holding up OPCW's process for the AU meeting.

¶13. (SBU) The Russian delegate proposed postponing the EC itself to allow for a slightly later deadline for nominations that the Africans could meet. Policy-making Organs Secretary Khodakov was consulted; he confirmed that the Executive Council could change its dates, and that the week of July 13 would not conflict with any major holidays. The informal group agreed to the shift of dates for the Council session to the week of July 13, and a deadline of July 7 for nominations -- a shorter time than usual for distributing documents ahead of the Council.

¶14. (SBU) Discussion then turned to the draft text of the report language and a proposed paragraph requesting the Chairperson to undertake consultations on the process. The Iranians stated they could agree to the new deadline for nominations only if such a paragraph were added; they particularly wanted the consultations to include the "modalities" of the process. Several delegations, including the U.S., responded that they were not sure what "modalities" meant, while others (Brazil, Sweden) suggested alternative formulations. In the end, the Tunisian ambassador offered language acceptable to everyone that the Chairperson should "undertake consultations on issues related to the appointment of the DG with a view to assisting the Council in adopting its recommendation" to the CSP, in conformity with Article VIII, paragraph 43 of the Convention.

¶15. (U) The Chairperson convened the plenary of the Council at 17:00 and the Council approved the compromise text from the informal meeting. No one questioned the change of dates for the summer session of the EC. Delegates greeted the consensus report with a loud round of applause, with another for the closure of the session -- during daylight.

New Chairman and Vice Chairs

¶16. (SBU) On February 19, the Council elected the new slate of EC officers. Mexican Ambassador Jorge Lomonaco was elected Chairman (for GRULAC); the four vice chairs elected were: Netherlands Ambassador Pieter de Savornin Lohman (for WEOG), and the representatives of Russia (for Eastern Europe), Iran (for Asia) and Sudan (for Africa). Immediately following the election, Pakistani rep Kehkeshan Azar made a surprising intervention on behalf of the Asian Group saying that, while the Group would accept the arrangement reached for naming vice chairs, it went against the spirit of the EC. German Ambassador Werner Burkart intervened on behalf of WEOG saying that the Council's rules of procedure clearly refer to vice chairs being individual representatives rather than countries. He continued that WEOG hoped its example of explicitly naming its vice chair would set a precedent.

¶17. (SBU) Del Comment: Azar's intervention appeared to have been prepared under the assumption that WEOG would object to countries rather than specific individuals being designated as a vice chair. In the event, this did not happen, so the Asian

Group statement merely came across as combative and disjointed. WEOG had discussed earlier in the week the issue of Asia naming Iran without a resident representative as its vice chair, but agreed that it would not oppose the choice of any regional group, in order to allow the election of the Chairman to proceed. End Comment.

ABAF Reform

¶18. (U) On February 18, Costa Rican Ambassador Francisco Aguilar (Vice Chair for Administrative and Financial Issues) convened an informal consultation on the pending nominations to the Advisory Body on Administrative and Financial Matters (ABAF). The South African and Algerian delegates -- both of whom were also nominees to ABAF -- said that the African Group had put forward nominations at the last EC due to feeling excluded from ABAF. Both agreed on the need for expertise among ABAF members, and neither had any problem in principle with requiring curricula vitae from nominees. However, they both expressed problems with African candidates being discriminated against given that curricula vitae had never been required from previous nominees. Delrep clarified that the U.S. request at EC-54 for CVs from candidates was not meant to discriminate against African or any other candidates but was rather intended to assist the EC in making informed decisions when appointing new members to ABAF.

¶19. (U) Some delegations raised ideas for reforming how ABAF functions. All delegations agreed on the need for transparency in the nominations process. The Brazilian delegate suggested that the seven nominees first be approved during EC-55 before working to change ABAF. The Czech delegate stressed the importance of ABAF being an independent, expert body whose members serve in their personal capacity

and suggested that ABAF could review its own operation. The Nigerian delegate supported the Brazilian proposal and agreed on separating the two issues of pending nominations and reforming ABAF. Similarly, the French delegate supported the Brazilian proposal and suggested that ABAF be tasked with reforming its rules of procedure. Mexico also suggested that consultations on the issue of reform should continue but not hold up the pending nominations. The Iranian delegate (himself a member of the ABAF) was skeptical of any need to change the way ABAF functions and said that issues of qualifying expertise or introducing geographical representation were beyond ABAF's mandate. The Brazilian delegate countered that ABAF could make an initial review and address issues within its competence and leave all other issues to the EC.

¶20. (U) Aguilar concluded the meeting by noting the consensus appeared to be in favor of approving the seven nominations; tasking ABAF with reviewing its operation and making recommendations to the EC; and continuing discussion on political issues within EC consultations.

¶21. (U) On the fourth day of the EC (February 19), Aguilar reported the outcome of the informal consultation to the Council and presented draft report language tasking the ABAF to review its work and procedures and to report back to EC-58 Qto review its work and procedures and to report back to EC-58 in October. The U.S. also secured a provision in the report to keep the issue of ABAF reform on the EC's agenda for future sessions. Following Aguilar's remarks, the Council approved the seven nominations.

90- Day Destruction Reports

¶22. (SBU) After the October EC (when the Iranians kept the Council until midnight of the last day hammering out new report language for the series of 90-day reports) and the CSP

(when the Iranians failed to get support for adding that same language to the Conference report), Council members nervously awaited to see what the Iranian delegation would do with respect to the two sets of destruction reports at this Council session. On February 17, the U.S. delegation requested that all of the 90-day destruction reports, both unclassified and classified, be considered together at the closed session the next morning.

¶23. (U) On February 18, Iran opened discussion of the progress reports on destruction by requesting that the chapeau language from the EC-54 report be repeated in this Council's report. The U.S. Representative asked that that language be read out to the Council; it reaffirms the obligation of possessor states to destroy their chemical weapons within the extended deadlines, and emphasizes the "timely commencement of destruction activities at all chemical weapons destruction facilities." The U.S. Rep then asked whether Iran was prepared to note all of the reports if the EC-54 report language was put into the EC-55 report. Iran agreed to note all of the reports. In short order, the Council noted the entire series of reports, with no further discussion, and the Chairperson promptly closed the agenda item.

¶24. (C) Del Comment: This non-confrontational approach by Iran continued throughout the week, with Representative Gholamhossein Dehghani remaining at the microphone. Dehghani had been sidelined by local delegate Mohsen Naziri Asl at the CSP, resulting in Iran's total isolation and failure to adopt a consensus report. While Del does not expect this new Iranian cooperation to continue indefinitely, it paved the way for a renewed and welcomed consensus at this Executive

U.S. and Iranian Facility Agreements

¶25. (S) Both the U.S. and Iranian Schedule 1 facility agreements were deferred to the April EC (EC-56) following discussions outside the plenary by the U.S., Netherlands, and Iran. On February 18, Delreps Granger, Ferguson and Clagett, along with Dutch delegate Diana Gosens, met with the Iranian delegation to discuss questions about the Iranian facility agreement. In response to Delreps raising previous questions about the change in format from an agreement to an arrangement, Iranian rep Dehghani said that the Iranian parliament still has not approved the original facility agreement (concluded with the TS in 2002). Dehghani said that the change was necessary to remove any need for parliamentary approval of the document or of any future amendments. Dehghani went on to say that there was nothing new in the amendments to the Iranian facility agreement; he claimed that all changes were taken from other agreements to "enrich" the Iranian document. Gosens asked for clarification on two points: changing "facilities" to "facility" in Section 2 (para 3(a)) and changing "site tour" to "facility tour" in Section 7.1 (para 1). On the first point, Dehghani responded that the change was editorial, clarifying generic term "facilities" with the more specific "facility" due to there being only one facility covered by the agreement. Regarding Gosens's second question, Dehghani initially said that the change reflected the document being titled "facility agreement" and not "site agreement." He added that, unlike "facility," "site" has no agreed definition.

¶26. (SBU) Following the trilateral meeting, Delreps met bilaterally with the Iranian delegation to discuss the U.S. facility agreement. Dehghani stated that they did not see the need for any changes to the U.S. document; however, due to the provisions in Section 7.4 on sampling and analysis, Dehghani suggested additional language for insertion into the related draft EC decision. He provided a copy of a 1999 EC decision approving two U.S. facility agreements (EC-MVII/DEC.1) and requested that the U.S. copy para 5 from the decision's preamble, noting the primacy of the Convention over the facility agreement in any cases of conflict. In addition, Dehghani asked that CSP decisions be included along with the Convention as having precedence over the facility agreement. Delreps agreed to consider the proposal and to meet the following day.

¶27. (S) On February 19, a second trilateral meeting with Delreps Granger and Clagett, Dutch delegate Gosens and the Iranian delegation took place. Gosens reiterated her question about the use of "facility" versus "site," noting that -- while definitions of site differ -- a site is generally considered to be larger than a facility. Dehghani did not provide any additional information beyond his previous response. (Del Comment: Gosens later told Delrep that the Iranian experts from Tehran appeared agitated when she questioned the change from "site" to "facility" causing her to be suspicious that Iran might have ulterior motives for the change. End Comment.)

¶28. (S) Delreps then explained U.S. concerns with two paragraphs in the sampling and analysis section of the Iranian facility agreement. Delreps proposed that Iran modify the two paragraphs to remove any ambiguities. (Del Comment:

Dehghani did not counter the U.S. proposal by admitting that Iran had copied the language on sampling and analysis from the U.S. facility agreement. Similarly, when Gosens questioned changes to the Iranian document that were taken verbatim from the U.S. document, Dehghani never cited the U.S. document as justification or setting a precedent for the Iranian changes.

End Comment.)

129. (SBU) Turning to the Iranian suggested change to the U.S. facility agreement decision, Delrep told Dehghani that the draft decision already included a paragraph on the Convention's primacy, although the wording was slightly different from the 1999 decision. Delrep also countered that the CSP could not adopt a decision contradicting the Convention, so including a reference to CSP decisions was unnecessary.

130. (SBU) After the meeting, Dehghani told Delreps that Iran could agree to approve the U.S facility agreement -- without any changes to the agreement or the draft decisions -- if the U.S. could agree to approving the changes to the Iranian facility agreement. Delreps thanked Dehghani for the offer but noted that both the U.S. and the Netherlands were waiting for answers to outstanding questions on the Iranian document.

When the documents came up in the EC for consideration, Iran first deferred the U.S. facility agreement, and the Netherlands deferred the Iranian facility agreement. On the last day of the EC, after a private request from the U.S. Representative, Chairperson Tomova announced that both facility agreements would be deferred to EC-56 citing on-going discussions between interested delegations.

131. (S) Del Comment: Gosens told Delrep that she had met with Susan Atego (Senior Policy Officer in the Policy Review Branch) who confirmed that the Iranian site only included the Schedule 1 facility in question. Given this information, Gosens said that the Netherlands did not intend to object any

further to the changes in the Iranian document. With the Netherlands disengaged, the U.S. is the only country left blocking approval of the changes to the Iranian facility agreement. As is often the case, Iran clearly sees approval of the two facility agreements as a package deal and will continue to defer our document as long as theirs is held up.
End Comment.

Director-General's Statement and the General Debate

132. (SBU) In his opening statement, the DG set the tone for general debate by welcoming Lebanon and Iraq as the two newest States Parties and highlighted the importance of universality. He then continued with his usually-long laundry list of activities and accomplishments. Highlights included:

- Announcing the TS's intention to hold a workshop on Other Chemical Production Facilities (OCPFs) during the National Authorities meeting in November;
- Improvement in the number of States Parties submitting timely declarations;
- Praise for Iraq designating its National Authority on the day of entry into force, bringing the number of national authorities to 178;
- Readiness of the TS to conduct any required inspections in Iraq, taking into account the safety of TS personnel;
- Update that the Dominican Republic's parliament has finished

ratification and its Ministry of Foreign Affairs is preparing the instrument of ratification;

- Request for help in lobbying Israel, Egypt and Syria to attend the universality workshop in Istanbul (April 16-17);
- One sentence on Gaza, saying that "the crisis has underscored the crucial importance of achieving peace in the Middle East;"
- Intention to propose a zero-nominal growth (ZNG) budget for 2010, the fifth year in a row.

¶33. (U) General debate began with the usual group statements from Cuba on behalf of the Non-Aligned Movement (NAM) and China, the Czech Republic on behalf of the European Union (EU) and associated countries, and South Africa on behalf of the African Group. Individual speakers included Japan, Russia, China, Brazil, Iran, India, the U.S., South Korea, Sudan and Iraq. Following the DG's lead, all of the statements welcomed Lebanon and Iraq. Destruction, selection of the next DG, preserving consensus, use of white phosphorus in Gaza, Articles X and XI, as well as industry issues were all prominent themes throughout the general debate.

¶34. (U) On DG selection, the NAM said all regional groups should have a chance to be represented at the "highest level" and the African Group stated its intention to field a candidate; the U.S. made the only reference to the "gentlemen's agreement" on rotation of the job between developed and developing countries. Brazil's short but direct statement echoed other comments on the importance of consensus but caveated it by stressing the need for cooperation from all delegations. Brazil stated that destruction is the responsibility of all States Parties -- not just possessor states -- and suggested it would be premature to discuss a shift in focus to non-proliferation before destruction is completed.

¶35. (U) In his maiden speech to the EC, Iraqi Ambassador Siamand Banaa thanked the TS and all the countries that have assisted his government in becoming a member of the CWC, noted that Iraq's civilian population has "suffered the most" from the abuse of chemical weapons, and cited the atrocity of Halabja in 1988 as leading to the founding of the OPCW.

Items Approved

¶36. (U) In addition to approving the ABAF nominees, and electing the new EC Chairman and Vice Chairmen (see above), the Council approved the DG's report on credentials for the Council's representatives, the adjustment to the DG's salary, the classification and re-classification of some TS positions, and the January lists of validated data for the Central Analytical Database.

Items Deferred

¶37. (U) The Council deferred a number of agenda items, many for lack of time to consider or discuss the reports. In a new twist on drafting report language, Iran and South Africa stated that since the Council had not, in fact, "considered" certain documents reports, the report should not state that it had. In his inimitable style, Secretary Khodakov gave an explanation as to why past reports had used the term "consider" and that it did not imply approval; he also

repeated his official mantra on what "noting" and "receiving" indicate. The Iranian and South African delegates re-asserted their contention that no consideration of these documents had taken place. The Tunisian Ambassador suggested a solution, simply stating that the Council "decided to consider" the matter at its next session. This became the formulation of choice by the Council throughout the report for items it deferred without discussion. For issues that had actually been discussed in or on the margins of the Council, such as the Iranian and U.S. Schedule 1 Facility Agreements (see above), the traditional language remained in the report.

¶38. (C) Russia refused to approve the TS Note with recommendations on continued verification measures for the converted chemical weapons production facility at CRP Portreath (UK) ten years after certification of its conversion. The Russian delegate argued that ongoing inspection should depend on the nature of the new facility, not its past history. The Chairperson deferred this agenda item to the next session.

(DEL COMMENT: The real issue here is one of precedent; Russia

does not want to have the UK's open approach to continued verification at a former CW production facility forced upon it. In a private conversation with Delreps, the Russian del said that Russia might be able to join consensus on this document in April. This appears to be when one of Russia's converted facilities reaches the ten year mark; Russia may be waiting to negotiate its own agreement with the TS to ensure the UK agreement is not the only precedent standing. END COMMENT.)

¶39. (U) The Czech delegate, former facilitator for Article X, asked to defer consideration of both Article X reports until the next session to allow for discussion in the ongoing consultations. German Ambassador Burkart, Vice Chairman for this issue, announced the new facilitator, Maciej Karasinski (Poland). The Council welcomed the new facilitator in its report.

¶40. (SBU) Similarly, for the report on the status of Q40. (SBU) Similarly, for the report on the status of implementation of Article XI, the South African delegate requested deferral of the report to the next session to have more time to study the report. Because no one has volunteered to take on the facilitation of Article XI, Iran requested that

a note be added to the report on the urgency of finding a facilitator. (Delrep overheard the German Ambassador say to the Iranian Representative, in a pointed private comment, that the Vice Chair for the issue -- Iran-- should take that responsibility).

¶41. (U) Industry cluster: The Chinese delegate requested deferral of the DG's note evaluating the modified site selection methodology for Other Chemical Production Facilities (OCPFs) in 2008. In doing so, the Chinese delegate stressed the urgency for resumed consultations on OCPF site selection and asked that the DG's note be discussed in consultations prior to EC-56. The facilitators for on-going Industry Cluster issues -- Marthinus van Schalkwyk (South Africa) for OCPF declaration enhancements and Giuseppe Cornacchia (Italy) for 2A/2A* low concentrations -- each gave oral reports on the progress of their consultations. During the later approval of the EC report, Secretary Khodakov initially resisted including a reference to Cornacchia's report, claiming that low concentrations did not have a specific agenda item. The Council reacted vocally in protest, and the Algerian delegate (on behalf of Amb. Dani, the Vice Chair for industry issues) intervened to request that the reference be added to the

Industry Cluster section of the report.

¶42. (SBU) DEL COMMENT: Frustration among Council members at the dictatorial style of Secretary Khodakov (Russia), even on minor points, is growing. Behind the formal meetings during the week, Khodakov had orchestrated a reversal of the Legal Advisor's opinion that the Rules clearly state that vice chair nominees should be representatives (people) and not countries; the WEOG coordinator was outraged at the TS caving in to Iran. The re-writing of the standard report language for deferrals (above) reflected irritation by a few delegations. The Council as a whole finally erupted, however, over Khodakov's opposition to reporting the facilitator's presentation on low concentrations, a factual statement of what happened during the session. Even the Director-General was observed telling Khodakov to back down on that unpopular stand. The Italian facilitator himself later thanked delegations privately for their support; he noted that it is getting difficult enough to find facilitators without the TS removing all trace of their efforts from the official record. END COMMENT.

Items Noted

¶43. (U) The Council noted without discussion quite a number of
Notes and Reports:

EC-55/R/S/1 Note on the progress in converting a former CWPf

EC-55/DG.1 Note on the notification by A State Party on changes at a converted CWPf

EC-54/S/6 Note on the optimization of verification activities

EC-54/HP/DG.1 Supplement to the 2007 Verification Implementation Report

EC--55/DG.12 Note on the timely submission by States Parties of declarations under Article VI of the Convention

EC-55/S/5 Note on the review of operational requirements and technical specifications first approved by the first session of the Conference

EC-55/DG.6 C-14/DG.1 Report on the Implementation of the regime governing the handling of confidential information by the TS in 2008

EC-55/S/3 Note on the current status of the Verification Information System

EC-55/DG.2 Report on OPCW income and expenditure for the financial year to 30 September 2008

EC-55/DG.11 Report on OPCW income and expenditure for the financial year to 31 December 2008

EC-55/DG.7 C-14/DG.2 Note on transfers of funds during 2008.

¶44. (U) EC Representative and INS/CB Director Mikulak cleared this report.

¶45. (U) BEIK SENDS.
GALLAGHER